

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 1:23-cv-00778
Plaintiff,	:	Judge Timothy S. Black
v.	:	
CONTENTS OF PNC BANK, ACCOUNT	:	
NO. XXXXXX5348, IN THE NAME OF	:	
PARTNERS FOR PROGRESS INC., et al.,	:	
Defendants.	:	

DEFAULT JUDGMENT AND DECREE OF FORFEITURE

This matter comes before the Court on the motion of the United States for a default judgment and decree of forfeiture ([Doc. 10](#)). The instant motion seeks a default judgment against Defendant 1, the Contents of PNC Bank, Account No. xxxxxx5348, in the name of Partners for Progress Inc.; Defendant 2, the Contents of PNC Bank, Account No. xxxxxx3639, in the name of Partners for Progress Inc.; FirstEnergy Corp.; Partners for Progress Inc.; and all other persons and entities who might have an interest in the defendants. The motion also seeks a decree of forfeiture against the defendants.

The United States filed a Verified Complaint for Forfeiture *In Rem* on November 27, 2023, against the Contents of PNC Bank, Account No. xxxxxx5348, in the name of Partners for Progress Inc. (Defendant 1) and the Contents of PNC Bank, Account No. xxxxxx3639, in the name of Partners for Progress Inc. (Defendant 2) (the “defendants”). ([Doc. 1](#).) Blane Wetzel, who is a Special Agent with the Federal Bureau of Investigation, verified the complaint. (*Id.*)

The complaint alleges that the defendants are subject to forfeiture under [18 U.S.C. § 981\(a\)\(1\)\(C\)](#) because the defendants constitute or are derived from proceeds traceable to

conspiracy to commit honest services wire fraud, in violation of 18 U.S.C. §§ 1343, 1346, and 1349. (*Id.*)

A Warrant of Arrest *In Rem*, issued by the Court on December 8, 2023, directed the United States Marshals Service (“USMS”), the Federal Bureau of Investigation, any duly authorized law enforcement officer, or their delegate(s) to arrest the defendants. (Doc. 4.) In accordance with the warrant, the USMS confirmed that the defendants were in the custody of the United States, bringing the defendants within the jurisdiction of the Court. (Doc. 5.)

Pursuant to Rule G(4)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”), “[t]he government must send notice of the action with a copy of the complaint to any person who reasonably appears to be a potential claimant on the facts known to the government before the end of the time for filing a claim under Rule G(5)(a)(ii)(B).” The direct notice instructs the potential claimant or the potential claimant’s attorney of the following: 1) the date when the notice was sent, 2) the deadline for filing a claim which is at least 35 days after the notice was sent, 3) that an answer or a motion under Rule 12 must be filed no later than 21 days after filing the claim, and 4) the name of the government attorney to be served with the claim and answer. Supplemental Rule G(4)(b)(ii). “The notice must be sent by means reasonably calculated to reach the potential claimant.” Supplemental Rule G(4)(b)(iii)(A).

In this case, the United States has sent direct notice of this action with a copy of the complaint to all known potential claimants. Specifically, on December 11, 2023, the United States sent direct notice and a copy of the complaint by regular and certified U.S. Mail to potential claimants FirstEnergy Corp. and Partners for Progress Inc., advising them that the deadline for filing a claim was January 15, 2024. (Doc. 7-1.)

The United States has represented to the Court that counsel for Partners for Progress Inc. confirmed that he had received the United States' notice and that he would not be filing a claim on behalf of Partners for Progress Inc.

Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules, the United States is required to publish notice in a manner reasonably calculated to notify potential claimants of the civil forfeiture action on an official internet government forfeiture site for at least 30 consecutive days.

The United States posted notice of this civil forfeiture action on the official internet government forfeiture site (www.forfeiture.gov), beginning on December 9, 2023, for 30 consecutive days. ([Doc. 6.](#))

On February 8, 2024, the Clerk of this Court entered a default against Defendant 1, the Contents of PNC Bank, Account No. xxxxxx5348, in the name of Partners for Progress Inc.; Defendant 2, the Contents of PNC Bank, Account No. xxxxxx3639, in the name of Partners for Progress Inc.; FirstEnergy Corp.; Partners for Progress Inc.; and all other persons and entities who might have an interest in the defendants as authorized by Rule 55(a) of the Federal Rules of Civil Procedure for failure to file a claim and answer as required by [18 U.S.C. § 983\(a\)\(4\)\(A\)](#) and [\(B\)](#) and Rule G of the Supplemental Rules. ([Doc. 9.](#))

No person or entity has filed a claim to the defendants or an answer to the complaint, and the time to do so has expired.

Therefore, it is hereby **ORDERED** that, in accordance with Rule 55(b)(2) of the Federal Rules of Civil Procedure, a default judgment is granted to the United States against the following:

1. Defendant 1, the Contents of PNC Bank, Account No. xxxxxx5348, in the name of Partners for Progress Inc.;

2. Defendant 2, the Contents of PNC Bank, Account No. xxxxxx3639, in the name of Partners for Progress Inc.;
 3. FirstEnergy Corp.;
 4. Partners for Progress Inc.; and
 5. All other persons and entities who might have an interest in the defendants,
- for failure to file a claim and answer pursuant to 18 U.S.C. § 983(a)(4)(A) and (B) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

It is further **ORDERED, ADJUDGED, and DECREED** that:

1. All right, title, and interest in the defendants is **CONDEMNED** and **FORFEITED** to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), because the defendants constitute or are derived from proceeds traceable to conspiracy to commit honest services wire fraud, in violation of 18 U.S.C. §§ 1343, 1346, and 1349;
2. All right, title, and interest in the defendants is vested in the United States, and no right, title, or interest shall exist in any other person or entity;
3. The United States or an authorized agent thereof shall dispose of the defendants in accordance with the law; and
4. The Court shall retain jurisdiction to enforce the terms of this Order.

IT IS SO ORDERED.

s/Timothy S. Black

Timothy S. Black

UNITED STATES DISTRICT JUDGE